HON'BLE SRI JUSTICE C.V.RAMULU

WRIT PETITION No.23339 of 2000
and
WRIT PETITION No.14661 of 1999

Date: April 16, 2007

WRIT PETITION No.23339 of 2000:

Between:
Smt. R.Damayanthi,
Wife of T.Y.Narayana,
aged 49 years, resident of
2 T.T., Municipal Colony,
Malakpet, Hyderabad and another.

… Petitioners.

And

1. The Secretary, School Education,
   Education Department,
   Govt. of Andhra Pradesh,
   Hyderabad and 4 others.

… Respondents.

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WRIT PETITION No.14661 of 1999

Between:
Surekha Pawar, wife of Mohan Raju,
R/o 16-9-669, Old Malakpet,
Hyderabad.

…Petitioner.

And

1. The Secretary,
   Education Department,
   Government of A.P., Hyderabad
   and 3 others.

… Respondents.

* * *

COMMON ORDER:

In both these writ petitions common questions of law and fact arise for consideration. Therefore, they are being disposed of by this common order.

2. It is the case of the petitioners that they have been working as Hindi Pandit, Telugu Pandit and School Assistant and teaching classes from Ist to Xth and therefore they are entitled for absorption into the aided vacancies as Telugu Pandit, Hindi Pandit and School Assistant. It is their contention that they have been working for the last 20 years in the said capacity, whereas, the management filed counter saying that the petitioners were never appointed against any aided vacancy. They have been teaching classes from VIII to X, which are not admitted to grant-in-aid. Apart from that petitioners are not regular in attending to their classes and after Summer Vacation they never returned back.

3. On behalf of respondents 1 to 3 also a separate counter is filed. It is asserted that the appointment of the petitioners is neither against aided vacancies nor the competent authority even against unaided vacancies approved their appointment. Therefore, they have no right, whatsoever, for claiming either regularization or seeking absorption against any aided vacancies. Further, the classes VIII to X are not admitted to grant-in-aid and the petitioners never taught for I class to VII class. Their services are engaged for VIII class to X class, which are unaided sections. The petitioners have no right, whatsoever, for claiming absorption against aided vacancies either classes from I to VII or they have any right for asking for admitting the posts from VIII class to X class for grant-in-aid. The petitioners who claim to be teaching in high school cannot request for admitting their post in grant-in-aid when classes VIII to X of the said institution have not been admitted to grant-in-aid. No private educational institution shall be entitled to receive grant-in-aid unless the committee concerned

constituted under G.O.Rt.No.220, Education (SSC-I) Department, dated 24th February 1988, as modified in G.O.Rt.No.124, Education (SER-I) Department, dated 27th January 1989 and the Government Memo No.245/SSE-I/89-1, Education Department, dated 9th February 1989, recommends that it may be admitted to grant-in-aid. Further, unless the institution itself applied for grant-in-aid, the committee shall not consider the same and no individual request for granting of aid against a particular vacancy shall be taken into consideration. In this case, neither the institution has recommended nor the committee has considered. Therefore, the question of admitting the posts held by the petitioners to grant-in-aid does not arise. Under these circumstances, I am of the opinion that both the writ petitions are devoid of merit and liable to be dismissed.

4. Accordingly, both the writ petitions are dismissed. However, this will not preclude the authorities from considering the case of the petitioners for absorption into any of the aided vacancies from I class to VII class section if at all the petitioners are entitled as per law. No costs.

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(C.V.RAMULU, J.)

Date: April 16, 2007.
BSB